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**MINUTES OF A REGULAR MEETING
OF THE GOVERNING BODY OF THE TOWN OF BERNALILLO
HELD AT THE TOWN HALL
April 14, 2008**

6 The Governing Body of the Town of Bernalillo met in a regular session within the law and rules
7 of the Town on April 14, 2008, at 6:30 P.M.

8 Upon Roll call the following members were found to be present:
9

10 **PRESENT:**

11 Mayor Chávez
12 Councilor Montoya
13 Councilor Sisneros
14 Councilor Jaramillo
15 Councilor Torres

ALSO PRESENT:

Stephen Jerge	Eric Schoen
Fred Radosevich	David Soule
Mike Moloney	Mary Kwapich
Santiago Chavez	James Pike
George Perez	Maria Rinaldi
John Harris	Carlos Madrid
Denise Silva	Kelly Moe
JR Montalvo	Matthew Rimmer
Margie Amoit	Steve Amoit
Will Kerzee	John Estrada
Rob Burpo	Barbara Vigil-Louder
Mary Jo Moloney	Bennie A. Montoya
Joan E. Montoya	Linda Kehoe
Dan Madrid	Yongzhe Xie
Cecilia Martinez	Diego Martinez

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28 **ABSENT:**

Others Present Not Identified

29
30 **APPROVAL OF AGENDA: 4a)**

31 Councilor Jaramillo moved to approve the agenda as presented. The motion was seconded by
32 Councilor Sisneros and motion carried unanimously.
33
34

35 **PUBLIC HEARING: 5a) Discussion, Consideration and Adoption of Ordinance #244**
36 **An Ordinance Implementing an Amendment to the Zoning Map from R-1 and R-2 (for a**
37 **Zero Lot-Line Development.) Presenter-Kelly Moe**
38

39 JR Montalvo, agent for Parmino, LLC stated that the request is the change the zoning of the
40 property for R-1 to R-2. The development will be a 16 multi-family dwelling on two acres. The
41 development will have a Plaza feeling with a circular driveway in the development. will be 4,000
42 sq. ft and 8 will be 5,400 sq. ft. in the two acres.
43

44 Councilor Torres asked how many were going to be 5,400 sq. ft.
45

46 JR Motalvo stated that there would be 8 at 5,400 sq. ft. and 8 at 4,000sq. ft.

47 Councilor Jaramillo stated that when she did the calculation it did not come out to 5,200 sq. ft. at
48 16 as far as allowing for a road way and easement. If you take an average of 5,200 sq. ft. it does
49 not fit and some must be smaller.

50

51 JR Montalvo stated that was correct.

52

53 Councilor Torres stated what Councilor Jaramillo is asking does the lot size include the road way
54 and the green area because it is a private development.

55

56 JR Montavlo stated yes it did.

57

58 Councilor Sisneros asked was the round-a-bout was to be moved to the south end instead of the
59 center of the subdivision.

60

61 JR Montavlo stated the center round-a-bout is to create a walk way from the development to El
62 Zocolo which is in the line of sight from the development to El Zocolo. The round-a-bout is an
63 area also for emergency vehicles to turn around in as well as the hammer head at the end of the
64 development.

65

66 Councilor Torres asked is there only going to be one entrance off of Calle Esquella.

67

68 JR Montavlo stated that was correct.

69

70 Councilor Sisneros asked if the round-a-bout was going to act as drainage as well.

71

72 JR Montavlo stated that was correct it will be a landscape area acting as a drainage pond for the
73 development.

74

75 Councilor Torres asked what is going to be the selling price of the town homes.

76

77 JR Montavlo stated right now it is around \$300,000 area category still looking at the market.

78

79 Mayor Chavez asked if the drive way and the common area is it projected to be maintained by
80 the HOA.

81

82 JR Montavlo stated that was correct.

83

84 Councilor Torres asked how many town homes were going to be sold outright.

85

86 JR Montavlo stated is the intent for all of the town homes to be sold.

87

88 Kelly Moe, Planning and Zoning Director stated the Applicant request approval of an

89 Amendment to the Comprehensive Zoning Ordinance, for a Zone Change from R-1 (Single –
90 Family Residential) to R-2 (Multi-Family Residential) with a Conditional Use Permit for
91 “Campo Escondido”, a proposed development consisting of 16 zero-lot line town-homes, on
92 existing Tract A, Lands of Jaramillo-Dalton, within T13N R4E SEC32 NMPM, Bernalillo, New
93 Mexico.

94
95 At Staff’s suggestion, although the proposed zero-lot line configuration required R-2 zoning with
96 a special permit approval, the applicant is providing lot sizes almost large enough to meet single
97 family residential requirement for R-1 zoning (which is the current designation). The applicant’s
98 purposes for requesting slightly smaller lots, thereby allowing approx one extra lot.

99
100 The applicant has also voluntarily addressed drainage and emergency access requirements in an
101 innovative way by locating and structuring the proposed open space for multi-use purpose. In
102 order to address the Commission’s concern regarding garbage collection & emergency vehicle
103 access, the applicant has voluntarily changes the plans to include a hammerhead turn-around at
104 the far south end of the property.

105
106 If this property developed out today they could not do something as nice and have 16 homes.
107 There would be nothing the town could do under our current zoning. The homes could be three
108 stories as well.

109
110 The developers have worked well with Planning and Zoning to create a development that
111 provides a lot of character. The price is similar to other developments along the Railrunner line.

112
113 This application was heard by the Planning and Zoning Commission at its regular meeting of
114 March 11, 2008. The Commission recommended approval with conditions.

115
116 Mayor Chávez asked if the Fire and Police Department have looked at the plans.

117
118 Kelly Moe, stated that the Fire Marshal indicated that the development needed additional turn-
119 around for emergency vehicles at the south end. The hammerhead was placed there to provide
120 the access for emergency vehicles. The middle turn-a-bout also allows for an emergency vehicle
121 to turn around as well.

122
123 Councilor Jaramillo asked that reference was made under R-1 zoning that the developers would
124 be in their right to develop the property. It would still have to go before planning and zoning
125 with their plans.

126
127 Kelly Moe, stated that if they presented a subdivision 6,000 sq. ft. lots this property can be
128 developed under current regulation. They would just have to meet the requirements of a
129 subdivision. It would not come before the Governing Body.

130

131 Councilor Jaramillo asked would they have to subdivide the property down.
132
133 Kelly Moe, stated that was correct.
134
135 Councilor Jaramillo asked what is the size of a lot.
136
137 Kelly Moe, stated it is 6,000 sq. ft.
138
139 Councilor Torres asked if this was part of the Historical District.
140
141 Kelly Moe, stated it was not.
142
143 Councilor Torres asked if Calle Esquella could handle the traffic from these 16 units and if the
144 other two acres get developed.
145
146 Kelly Moe, stated yes.
147
148 Councilor Jaramillo stated that we do not know the traffic the from the Flying Star and the
149 impact to the area. The school is back there and the area is already becoming dense and
150 congested already.
151
152 Councilor Sisneros state it is what is. The traffic is not good in that area plus the addition to the
153 school which is coming in the future.
154
155 Kelly Moe, stated that this development can be developed either way. This development will
156 allow individuals to walk in that area. I ask you not to judge this as not to be built but what will
157 be built there and bring value to the Town.
158
159 Councilor Montoya stated a lot of concerns that have been heard that the subdivision is in not
160 compliant with the ordinance.
161
162 Kelly Moe, yes, except for the zone change.
163
164 Councilor Montoya asked as long as beautification of the area how are we guaranteed that will
165 occur. Never lived in a area with a Home Owners Association (HOA) are we guaranteed the
166 HOA will take care of the road way and the landscape.
167
168 Kelly Moe, stated the HOA will take care of the property and the HOA rules will state that.
169 Maintenance of the property in general falls in line with the other Town's regulations related to
170 maintenance of property.
171
172 Councilor Montoya asked about the lighting and who would maintain it.

173
174 Kelly Moe, stated it is a private development therefore the property owners would maintain it.
175 The HOA would take care of it. Given the nature of this development and the price of these
176 home there usually in not a problem maintaining these properties.
177
178 Councilor Jaramillo stated that we have had single property owners. There are a lot of
179 responsibility involved in a HOA such as dues and insurance.
180
181 Kelly Moe, stated this is not something new the Town has been dealing with. Bosque Encantado
182 is a good example.
183
184 Ed Passage representative for the development stated HOA's are very popular in these types of
185 developments. Dues are collected to maintain such items like landscape.
186
187 Mayor Chávez asked what are the projected HOA fees for this development.
188
189 Ed Passage, stated will be \$75 a month to begin with and may either go up or down once the
190 development matures.
191
192 Mayor Chávez asked if the HOA fees are disclosed to the buyers at the time of sale.
193
194 Ed Passage, stated it is disclosed to the buyers and filed in the County Clerks office.
195
196 Councilor Jaramillo asked if someone falls on the property then who would be liable.
197
198 Ed Passage, stated the HOA has insurance that would cover that.
199
200 Mayor Chávez swore in those individuals wanting to speak for/against Ordinance # 244.
201
202 Margaret Geller stated Bernalillo is located between Sandia Pueblo to the South and Santa Ana
203 to the North and no room to grow beyond its municipal boundaries. These facts put a premium
204 on the planning. The growth is predicated on the awareness and appreciation for the present
205 inhabitation and the historical fabric each is responsible to maintain. This is a quote in a
206 publication by the Town Council. Do not believe in my opinion or any multi-family is in
207 keeping the historical quality of the Town.
208
209 Mike Maloney stated his home is directly across from this property. Attended the March 11,
210 2008 Planning and Zoning meeting where this was presented at. This plan was misleading and
211 incomplete. The facts regarding the single family homes that could be built on this property
212 were incorrect and the average lot size was misleading. Does not believe the Commission would
213 not of recommend approval if they would have had all the details concerning the development.
214 This is purposed as a private development and raises major concerns such as maintenance of the

215 street, street lights, water and sewer lines, retention ponds and common or green areas. Who is
216 going to pay the utilities for the common green area? Who is going to pay for the liability
217 insurance? Problems will exist regardless of the ownership whether it is the HOA or private
218 individual deeded lots. Affordable housing wait until they have to pay for street or utility repairs.
219 If the street is part of each individual lot what do you do if one or two homeowners refuse to
220 repair their section. If it under control of a HOA who is going to see to it that there is a
221 functioning association to handle these responsibilities. From personal experience it will be
222 extremely difficult to find enough people to do the work. Don't overlook the fact that if this
223 development follows normal trends in town home developments there will be rentals. Small
224 private development can eventually end up being eye sores and we don't want that especially in
225 the historic district that we are spending \$5.2 million to renovate.

226
227 Mary Jo Maloney stated she and Mike walked around and knocked on doors in their
228 neighborhood. Probably 40 doors people felt the traffic was going to be unbearable. The Flying
229 Star is going up and worried about that area. Just developing the Flying Star is messing up the
230 neighborhood. Opposed to the street going to 550 from Calle Gabriel concerned about the
231 children. There are a lot of children at the school. Hate to see that home torn down as well it is
232 part of the history. This is the oldest town in the country and could stay nice.

233
234 Benny Montoya stated his is not against growth but against that it in one corner. It seems like
235 since the Railrunner came Bernalillo in that corner has gotten over developed. Concerned for the
236 kids in the school and the traffic that goes in and out. Just can not see how this development is
237 going to help the Town of Bernalillo.

238
239 Joan Montoya stated that she agree everything has been said and agree with the Councilors. She
240 lives her and the traffic is bad during the school hours. How are people going to get out? Also
241 the issue with the Flying Star the Condo and the shops. It is like apples to oranges when you
242 compare Bosque Encantado to this. It might start out to be beautiful but will it last when they
243 start having to pay insurance and how many will become rental units that is our fear.

244
245 Helen Sandoval stated that she use to live in a town house while the development was selling out
246 everything was wonderful. A gardener had to be hired it is not just the association fee you have
247 to pay for the lighting and water. This is going to be an expensive project if we start at R- 1
248 there is no way they could get 15 houses in there. I am actually for development I think
249 everything that comes before you is maxed out. I think Mr. Moe does a good job but he agree to
250 maxing out and that point I disagree with him. If you are there at the church property when mass
251 ends in the morning and the school buses are arriving you have trouble. The buses have trouble
252 and so do the public. So imagine what the people have that live in that area. It is also in the
253 evening when those people come home. I think changing it is not appropriate at this time.

254
255 Georgina Paiz the community is growing more and more children and the school is employing
256 more teachers. Living in the area there are two other teachers that live there and walk to school.

257 I think the traffic will impact the school. Right now it is a community you can walk in. If we
258 make it much denser then we are going to make it dangerous with additional streets added.
259

260 Cecilia Martinez stated the reason she came was because she lives across from the development.
261 It is strange be careful for what you wish for. I always wanted change because I came from a
262 small community. I came to find out for ourselves what is going on. We either decide which it is
263 14 homes or 16 homes but much nice. Worried about the traffic and the Flying Star has not even
264 opened. That might entail more streets. Not that I am against progress just need to look at
265 everything.
266

267 Diego Martinez stated the reason he came was forced to leave Chama because of a Medical
268 situations hated to leave a small city but discovered Bernalillo and the community he lives in.
269 Here to see what is going on some idea sounds very exciting. The point is we would hate to see
270 anything happen that would change the nature of Bernalillo. Has a hard time with the HOA fees
271 and hard time believing the HOA can maintain the area.
272

273 Myric Chegin stated she lives in Damiano Square and on of the things that drew them there was
274 seeing the trees and the lot never saw it as a breeding lot for mosquitoes. I think real progress is
275 making it into a park or extending the historical district. Moved from a town home each paid
276 over \$200 to maintain the area. There are a lot of restrictions the HOA has to have the interest of
277 the Town.
278

279 Barbara Vigil-Louder, Superintendent for the Bernalillo Public School, stated there is already
280 dense population in that area. Has already come before you to tell you there are no crosswalks
281 no warning lights in that area and no sign there is a school except for the sign there which is
282 down now. In the past the children that attended the Middle School had to walk it is within the
283 two mile range. What we did as a district is we appealed the State to look at that area and the
284 safety concerns of that area. They designated that area as a hazardous area for our Middle School
285 students. We also doing a Master Plan we will be redesigning what is going on there at Carroll
286 Elementary School. As you know there is growth in the area. We are receiving more students in
287 the district. They are starting off at the Pre-K level. The plans are to move Carroll to a new lot
288 that the district has purchased and move Roosevelt to that site. The projected growth for Carroll
289 Elementary is 490 students. Roosevelt will be built out somewhere 400 to 450 students. Pre- K
290 center will break ground at the end of the summer and have 150 students at that site. I have had
291 discussion with the Town on that already. BPS is a big employer of Bernalillo and a major
292 concern if affordable housing and I have brought that concern before. I have employee that can
293 not afford to live in Bernalillo. There is no affordable housing. When I am not able to find
294 qualified people to work in the district it is not only my problem it also becomes a problem of the
295 community as well. In terms of the quality of education.
296

297 Sandy Martinez stated Calle Esquella traffic. I know Mr. Moe stated the street can handle three
298 times the traffic that is already there. Not sure if he is referring to the weight the street can

299 handle. The buses and the parents who bring their children to school on top of 16 units in that
300 area on top of the 52 home that live in that area and the 12 units and Flying Star. You want us
301 all to exit on Calle Esquella on to Camino del Pueblo I think we asking a lot of issues to raise
302 there. Mr. Moe stated that they would never put a traffic light there because they want Bernalillo
303 rural. Calle Gabriel there is discussion that it will go onto 550 my concern is that the traffic will
304 cut through Calle Esquella. You are creating a condense area for those that live there. I feel
305 people will park on Calle Esquella and my back yard will become a parking lot. Need to consider
306 the traffic that is in that area.

307
308 Linda Kehoe, stated she understands all the concerns of her neighbors. Her son is not allowed to
309 cross the street on Calle Esquella to Carroll Elementary unless there is a teacher present. I do
310 not see how it is realistic to have small children cross that street with all the traffic. They are not
311 aware of traffic. I am also curious under R-1 how many units would be allowed.

312
313 Margie Amiot stated she lives in Bernalillo and is concerned with what is going on here. I was
314 under the impression that the Planning and Zoning Commission had made conditions they would
315 approve this and one of the things was 6,000 sq. ft. minimum and today we here 4,250 ft.
316 minimum. Once you approve these 16 units Kelly Moe mentioned there is the property east of
317 that will accommodated another 16 units. All that goes to multiply all the issues these people
318 have right now. Have you heard about the people that were against this I think those voices
319 should be heard as well. Public Safety is a concern right now we have 3 paid employees and 17
320 volunteers can you accommodate this side of the Town is they get stuck at 550. I think all those
321 things need to be considered before you agree to this.

322
323 Steve Amiot stated that density is use to determine the number of dwelling units per acre.
324 Before you voted on TOD you required a clear definition of the study area now you are being
325 asked to vote on zone changes without and definition of density. Mr. Moe said the reason for the
326 Commission turning down Piedra Lisa was density mistakenly claiming 11.3. How do we know
327 what is the truth without a definition? Mr. Moe uses gross density which is inaccurate tennis
328 courts, swimming pool, roads, and paths but when you talk about people's lot you are not
329 including those things in gross density. So you are using incorrect density measurements and
330 you should determine what density is. I hope you will take action and determine what is density
331 standard for Bernalillo. Much is made of the East West Path in this area well it is just not for
332 ambiance or connect to Zocolo that Path is necessary by law because you can not connect more
333 that four building together in R-2. Passing this will lead to 60 more cars coming in and out of
334 that area. In the single family owned we do not know yet if that would be 14 or 15 homes
335 owning the road in front of their house. How many people can say I own that road in front of
336 my house I maintain it? That is not what we are into here. I urge you just to say no.

337
338 Yongzhe Xie stated he is against zoning proposal the traffic in that area is bad. The 16 homes
339 development would bring added traffic to a congested area.

340

341 Dan Madrid stated his concern is the neighbor hood. Where he lives in the Cosanitas traffic has
342 always been a problem. When there is a party you invite all your family where do they park. If
343 there is an emergency how are they going to get into there? The high density needs a 5 ft.
344 easement in that property I do not see it. I do not see any playgrounds are they going to just sell
345 it to adults. No one is going to play there or facilities for swings. Each home should have a 10 ft.
346 easement around each house. The wine festival where do we park. You are crowding out the
347 Wine Festival. Look how much money it has brought into this town. If you approve this the
348 way it is designed you are making a mistake again.
349

350 Lon Smyit stated this development is about making money for the developer. It is all about
351 money it is not going to help the community at all. I moved from Santa Fe three years ago
352 because they have destroyed it. Bernalillo reminds me of Santa Fe in the 50's. Try turning out
353 onto Camino del Pueblo at 3:00 it is dangerous there. Let your conscience guide you how can
354 you allow this to go on.
355

356 Carlos Madrid stated the purposed is north and northeast of our property all agriculture now. We
357 were real happy the way it was our neighbors there they had two homes. But agriculture land
358 was purchase by on the Town's founding father Mr. Jose Perea. Thus these properties have
359 original ties to Bernalillo cultural area. Density is our concern. Traffic would increase.
360

361 John Harris stated he agrees with everyone. The traffic and safety is an issue. This development
362 is too much too soon.
363

364 Mayor Chávez asked for the developer to answer some of the question brought up by the public.
365

366 JR Motavlo, stated this is a project is located in an area for development in the spirit what the
367 Town is trying to do what we tried to do here was bring a project the Town would be proud of.
368 Therefore we wanted to go through the process of changing the zoning code because we felt it
369 was the right thing for the community. Now as far as the HOA I have lived in a community that
370 had a HOA we had a governing body and we complied with the rules. We have experience in
371 Albuquerque where these are and work. We transition the HOA to the homeowners once the
372 homes are completed. Anyone making an investment in their property will take pride and get
373 involved to maintain the beauty of their property. We believe that the people will be active in
374 the HOA. Parking it is two car garages and space behind that to park. If there is a party people
375 will have to park on the street. We are excited about doing this project in Bernalillo.
376

377 Councilor Torres asked how much would the price of the lots change if they were 6,000 sq. ft.
378

379 JR, Motavlo, stated we have not looked into that all our efforts have been into the R-2. The
380 prices in Bernalillo have gone up. We have to offset cost to make a profit and still make it a
381 profitable investment for us. We would have to go back and see what a 14 unit home would be
382 the homes would be smaller.

383
384 Mayor Chávez stated before you have a zone request from an R-1 to an R-2 the difference is 14.2
385 units to 16 units. It is a private development. We have several in the community.

386
387 Councilor Torres asked Kelly Moe if we kept this at R-1 zoning they would have the right to
388 develop it and it would not come before us again.

389
390 Kelly Moe, stated that is correct and there would be 14 units.

391
392 Councilor Montoya stated he wanted to thank Kelly Moe, for all the efforts put into this. The
393 sad thing is that this property was sold and that is out of our control. What is in our control is
394 developing it in a better fashion. It has been very specific what could and could not happen in an
395 R-1 and R-2 of that area. We have had the opportunity to meet many of you informally a lot of
396 great people to speak their concerns. Because of development you all have a home. You love
397 your Town and hopefully that future might happen to other people that move into the
398 community. There is going to both negative and positive with everything we just got to hope to
399 do the best for this community. Do we want a 3 story house crammed in there with 14 others no
400 we do no want blocked views? But, something like this development will be more tasteful and
401 done with working with staff compared to just throwing thing out there. That is one thing we
402 face when private property is sold to private developers. I wish us as a community could buy
403 that property and leave it the way it is, but unfortunately that is not how it works. I think Kelly
404 Moe and staff has done a great job to get what we have before us where this could be something
405 totally different.

406
407 Councilor Sisneros concerns I heard tonight is the safety issue of traffic concerns it is what it is.
408 Density is an issue as well the biggest part is that there are children there. Yes, we do have to
409 look what goes in there. It may be a nice development but density is a big issue. With that I
410 would like to make a motion to deny the zone change from R-1 to R-2.

411
412 Councilor Jaramillo seconded the motion.

413
414 Mayor Chávez asked if there was and discussion.

415
416 Councilor Montoya stated that he knows the concern is with our children which is important and
417 has worked for BPS since out of high school. Currently, I transport children from the Sandia
418 Pueblo to private schools and other schools in Albuquerque. We have it made here in this Town
419 we do not even know what traffic is in this Town. I bus one little gentleman to Petroglyph
420 Elementary on the west side of Albuquerque surrounded by a community, there are kids walking
421 to school there are teachers walking the kids from one side to the other. It is done very tastefully
422 working with staff and parents. It is amazing how it is. This is a huge school bigger than what
423 we have as far as the numbers. The population there is bigger than our town and it works fine.
424 We are just spoiled and we are blessed with what we have and we want to protect it. We need to

425 realize what we have and plan according for the future. Things have changed within my life
426 time here and we want to change things for the best of our community. So people can move here
427 from other communities and say they love the little Town they live in and have that opportunity
428 and without this development they are not going to have that opportunity. I think this is a
429 stepping stone for a lot of developments within this area. I think as a Governing Body we need
430 to keep that in mind. We have it made here there is no traffic in our Town we are fortunate.

431
432 Councilor Jaramillo stated she does not fell fortunate she has had a day care for 20 years and
433 transports children to all schools in Bernalillo. She is behind the buses every morning and does
434 not feel fortunate every morning. I do know that there are small businesses going into that site at
435 Flying Star. We do not know what impact that is going to have on Calle Esquella. So I feel it is
436 not the right time to approve another development being they may still develop out it will revert
437 to R-1 and will be only 14 units. So be it we just saved 2 units.

438
439 Councilor Torres state that raised a concern with him also Mrs. Martinez made a comment be
440 careful for what you wish for. This subdivision is going to happen regardless, do we want
441 tasteful. As long as it is done the right why not. I have been a life long resident of Bernalillo
442 also.

443
444 Mayor Chávez stated there is a motion to deny the zone change from an R-1 to R-2. Proceed
445 with a Roll Call Vote.

446
447 Mayor Chávez asked for Roll Call Vote for the Zone Change.

448
449 Roll Call Vote

450	Councilor Torres	Nea
451	Councilor Montoya	Nea
452	Councilor Jaramillo	Yea
453	Councilor Sisneros	Yea

454
455 With the vote there are two Nea two Yea Madam Mayor you are the tie breaker.

456
457 Mayor Chávez stated that development happens with or with out us. We have seen many
458 developments come before this Council for consideration. I have lived in this community a life
459 time. My daughter attends the Bernalillo Public Schools it is called interrogation. I have the
460 option to take my child elsewhere we all chose to become part of the community. In the area
461 where I live back in 1994 there were only 4 homes. It is all filled out today and only 1 lot is
462 available. Our neighborhoods are what we make them. We heard from the schools that there is
463 going to be an increase in enrollment. We have to accommodate growth. We can not do it in
464 isolation of turnover of land. We did not turnover this piece of property it was sold by a family
465 that has been in Bernalillo 60+ years it is a matter of economy. We all want a good place to live
466 we all want a good place for our children to be raised. With that I vote Nea.

467
468 Mayor Chávez entertained a motion to approve the zone change from R-1 to R-2.
469
470 Councilor Montoya made a motion to approve the zone change from R-1 to R-2 as submitted by
471 the Planning and Zoning Staff. Councilor Torres seconded the motion.
472

473 Mayor Chávez asked what we are looking at the difference of two units is there a possibility of
474 the developer going back and reducing it by one unit or a couple of units.
475

476 JR Montavlo stated 16 units' balances out the development. This would not be possible. This is
477 what works for that lot. Trade offs were made to make this development work with the views
478 and turn-a-bouts.
479

480 Mayor Chávez asked for Roll Call Vote for the Zone Change.
481

482 Roll Call Vote

483	Councilor Jaramillo	Nea
484	Councilor Torres	Yea
485	Councilor Montoya	Yea
486	Councilor Sisneros	Nea

487
488 With that Madam Mayor your vote is the tie breaker.
489

490 Mayor Chávez stated she has heard the pros and the cons we have seen development on South
491 Hill Road, North Hill Road, the Cosanitas, across the river, Sheriff Posse and Valle Serrano.
492 Development occurs with the goal in mind to make the quality of life we want for all our
493 families. With that I will have to vote Yea.
494

495 The motion passes to changes the Zoning from R-1 to R-2.
496
497

498 **PERSONNEL: 6a) Police Officer (1). Presenter Yolanda Mora**

499 Yolanda Mora stated that it was her recommendation to hire Andrew Chapa as a Police Officer
500 for the Police Department.
501

502 Councilor Jaramillo moved to approve the hiring of Andrew Chapa as a Police Officer in the
503 Town of Bernalillo Police Department. The motion was seconded by Councilor Torres and
504 carried unanimously.
505

506 **Approval of Minutes 7a) Regular Meeting of March 24, 2008**

507 Mayor Chávez stated that line 424 and line 426 date should be December 2009.
508

509 Council Jaramillo moved to approve minutes of March 24, 2008 as amended. The motion was
510 second by Councilor Sisneros and carried unanimously.

511
512 **NEW BUSINESS: 8a) Discussion, Consideration and Action on Adoption of Ordinance**
513 **#242 An Ordinance Implementing an Amendment to the Zoning Map From C-1 and R-R**
514 **to S-U (TOD Mixed-Use Development). Presenter: Kelly Moe**

515
516 Kelly Moe, Planning and Zoning Director stated this issue was presented at the last meeting of
517 March 24, 2008 and was tabled to have a workshop with the developers which took place on
518 April 9, 2008. The Applicant request approval of an amendment to the Comprehensive Zoning
519 Ordinance of the Town of Bernalillo (zoning map) from C-1 (Retail Commercial) & R-R (Rural
520 Residential) to SU (Special Use) for a Mixed-Use Transit Oriented Development with Master
521 Plan known as “Piedra Lisa”, for existing Tract 11, Lands of Antonio C’de Baca T13N R4E
522 SEC32 NMPM, Bernalillo, New Mexico. The property is located between Camino del Pueblo
523 and the Railrunner tracts, just south of the Lands of Gross/Station Street.

524
525 The request was heard by the Planning & Zoning Commission at its regular meeting of January
526 2, 2008 at which time it was tabled for further consideration. The matter was subsequently re-
527 heard by the Commission at its regular meeting of February 5, 2008 at which time the
528 Commission recommended Denial of the request with 3 votes “aye”, 1 vote “nay” and 1
529 abstention. The primary concern of the Commission was the density of the residential portion of
530 the Master Plan.

531
532 Councilor Torres asked why is there a road way on the Gros’s Property if no permission has
533 been granted for that road way. This was left open at the last meeting. We do have letter from
534 the Gros’s attorney on that said piece of property which will be handed out to you.

535
536 Mayor Chávez asked that Ordinance # 242 be read.

537
538 STATE OF NEW MEXICO TOWN OF BERNALILLO
539 **ORDINANCE NO. 242**

540
541 **AN ORDINANCE IMPLEMENTING AN AMENDMENT TO THE ZONING MAP**
542 **FROM C-1 and R-R TO S-U (TOD Mixed-Use Development)**

543
544 **WHEREAS,** Olive Drab LLC has filed an application for an amendment to the
545 Comprehensive Zoning Ordinance of the Town of Bernalillo (zoning map) from C-1 (Retail
546 Commercial) & R-R (Rural Residential) to SU (Special Use) for a mixed-use Transit Oriented
547 Development known as “Piedra Lisa”; and,

548
549 **WHEREAS,** public hearings have been held by the Planning & Zoning Commission and the

550 Governing Body of the Town of Bernalillo on said application; and,

551

552 **WHEREAS**, the requested zoning amendment and related Master Development Plan are
553 deemed to benefit the general welfare of the Town of Bernalillo;

554

555 **THEREFORE**, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF
556 BERNALILLO, NEW MEXICO, AS FOLLOWS:

557

558 1. That Ordinance No. 175 entitled the “Comprehensive Zoning Ordinance of the
559 Town of Bernalillo” be hereby amended to provide for a change in the zoning map to
560 S-U (Special Use – Mixed Use Development) for Tract 11, Lands of Antonio C’de
561 Baca T13N R4E SEC32 NMPM, Bernalillo, New Mexico.; and,

562

563 2. The Master Plan for said Special Use Zone shall be the “Piedra Lisa Master
564 Development Plan” as designated in Exhibits ‘1 thru 11’, attached hereto.

565

566 Councilor Jaramillo asked about Tract D.

567

568 Kelly Moe, Planning and Zoning Director stated that Sandoval County has acquired that property
569 to make a Sandoval County Transit Center. Plan have been have been submitted for the Transit
570 Center.

571

572 Councilor Jaramillo stated why was not that submitted separately.

573

574 Kelly Moe, Planning and Zoning Director stated that if this would have remained part of the
575 development. Now the County is taking over the property our Zoning Rules and Regulations do
576 not apply.

577

578 Mayor Chávez asked if there is a motion to approve there need to be specific conditions.

579

- 580 1. This development should not move forward without the expressed Gross access for the
581 50 ft. roadway.
- 582 2. There is a time limit on the property of Two Years if the development does not take place
583 then it reverts back to its original zoning designation.
- 584 3. Commercial Use for the property will be those types of Commercial Business allowed in
585 a C-1 zone.
- 586 4. Terracing of the property. Elevation matching 1 thru 16 and 17 thru 22 shall vary in
587 height for zero to 5 ft; lots 23 thru 32 shall incorporate a retaining wall approximately
588 zero to 2 ft.
- 589 5. Extraction of Tract D.
- 590 6. Water Rights obtained for the property and transfer to the Town of Bernalillo.

591

591 Mayor Chávez asked for a motion to approve Ordinance # 242.

592
593 Councilor Jaramillo moved to uphold the Planning and Zoning decision to deny Ordinance #242
594 on the Amendment to the Zoning Map from C-1 and R-R to S-U. The motion was seconded by
595 Councilor Sisneros.

596
597 Roll Call Vote
598 Councilor Montoya Nea
599 Councilor Jaramillo Yea
600 Councilor Torres Yea
601 Councilor Sisneros Yea

602
603 **NEW BUSINESS: 8b) Discussion, Consideration and Action on Approval of Well site #**
604 **2 Related Arsenic Treatment Process Systems, Filtration and Construction Cost.**
605 **Presenter: Stephen Jerge**

606
607 Narasimhan Consulting Service, Inc. (NCS) explained the total Project Cost and Funding
608 Sources. Project to be funded in two phases based on current cash flows and available funding.
609 Additional Army Corps grants available in late 2008, contingent of expansion of 593 program
610 cap. Well 2 to be completed first. Well 1 to be included in second phase. Well water quality
611 testing completed for Well 1. Land acquisition and site evaluations ongoing. Pilot testing to be
612 initiated at Well 2 in April 2008.

613
614 **Town of Bernalillo Drinking Water Well Projects - Cash Flows and Funding Sources**
615 Year Project Total Cost Initial Funding Source (s) and amounts Total Grant Reimbursement
616 Amount
617 (ACE)
618 2007-2008
619 Wells 3 & 4 \$5,000,000
620 \$3,800,000 (NMFA - 2007)
621 \$1,200,000 (2008 ACE reimbursement)
622 \$3.7 M (total)
623 2008 Well 2 \$4,600,000(includes engineering contract)
624 \$2,000,000 (RIP1); \$900,000 (2008 ACE reimbursement); \$610,000 (State Legislative Grants);
625 \$1,100,000 (2009 ACE reimbursement)
626 \$1.9 M (initial) + \$1.6 M (future amendment if 593 program cap is expanded)
627 2009 Well 1 (Project contingent of cap expansion of 593 grant program)
628 \$4,000,000 \$2,000,000 (RIP2); \$2,000,000 (RIP3)
629 \$3.0 M (future amendment if 593 program cap is expanded)

630 DEFINITIONS
631 RIP: Rural Infrastructure Program
632 ACE: Army Corps of Engineers
633

634 Councilor Jaramillo moved to approve Wells #2 Related Arsenic Treatment Process System,
635 Filtration and Construction Cost. The motion was seconded by Councilor Montoya.

636

637 Roll Call Vote

638	Councilor Torres	Yea
639	Councilor Montoya	Yea
640	Councilor Sisneros	Yea
641	Councilor Jaramillo	Out for Vote

642

643 **NEW BUSINESS: 8c) Discussion, Consideration and Action on Approval of Contact**
644 **for First American Financial Advisors. Presenter: Stephen Jerge**

645

646 First American Financial Advisors, Inc. (Firms') of Albuquerque, New Mexico and the Town of
647 Bernalillo, New Mexico hereby agree to the scope of Financial Advisory services and the
648 amount of the Firms' compensation, as set forth in this contract.

649

650 It is agreed that the First American Advisors, Inc. compensation for serving as Financial Advisor
651 and for performing the services outlined:

652

- 653 a. During the Remainder of Fiscal Year 2008; An amount equal to Two Thousand
654 Dollars per month; and
- 655 b. During Fiscal Year 2009: An amount equal to Two Thousand Dollars per month,
656 beginning o July 1, 2008 and ending on June 1, 2009; and
- 657 c. During Fiscal Year 2010: An amount equal to Three Thousand Dollars per month,
658 beginning on July 1, 2009 and ending June 1, 2010; and
- 659 d. Expense Reimbursement: Reimbursement by the Town of expenses incurred on
660 behalf of the Town including, but not limited to, our-of-state travel approved by the
661 Town, overnight courier cost and document reproduction charges. Such expenses
662 shall be paid by the Town within 45 days of receipt by the Town of an invoice, with
663 sufficient documentation attached.

664

665 Councilor Jaramillo moved to approve the Contract for First American Financial Advisors for
666 financial services for the Town. The motion was seconded by Councilor Sisneros.

667

668 Roll Call Vote

669	Councilor Torres	Yea
670	Councilor Montoya	Yea
671	Councilor Sisneros	Yea
672	Councilor Jaramillo	Yea

673

674

675 **NEW BUSINESS: 8d) Discussion, Consideration on Ordinance # 243 Loan Agreement**
676 **and Intercept Agreement between TOB and New Mexico Financial Authority. Presenter:**
677 **Stephen Jerge**
678

679 TOWN OF BERNALILLO, NEW MEXICO
680 ORDINANCE NO. 243
681

682 AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN
683 AGREEMENT AND INTERCEPT AGREEMENT BY AND BETWEEN THE
684 TOWN OF BERNALILLO, SANDOVAL COUNTY, NEW MEXICO (THE
685 "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE
686 AUTHORITY, EVIDENCING A SPECIAL, LIMITED OBLIGATION OF THE
687 GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF \$1,016,334,
688 TOGETHER WITH INTEREST AND A PROCESSING FEE THEREON, FOR
689 THE PURPOSE OF DEFRAYING THE COST OF PURCHASING
690 APPROXIMATELY EIGHT (8) ACRES OF LAND WITHIN THE
691 GOVERNMENTAL UNIT'S LIMITS FOR PURPOSES OF CONSTRUCTING
692 FUTURE WATER INFRASTRUCTURE IMPROVEMENTS FOR THE
693 GOVERNMENTAL UNIT; PROVIDING FOR THE PAYMENT OF THE
694 PRINCIPAL OF, AND INTEREST AND THE PROCESSING FEE DUE UNDER
695 THE LOAN AGREEMENT SOLELY FROM THE DISTRIBUTIONS OF THE
696 REVENUES OF THE GOVERNMENTAL UNIT'S ONE-EIGHTH OF ONE
697 PERCENT INCREMENT OF MUNICIPAL INFRASTRUCTURE GROSS
698 RECEIPTS TAX REVENUES ENACTED BY THE GOVERNMENTAL UNIT'S
699 ORDINANCE NO. 216 ADOPTED ON JANUARY 23, 2006, PURSUANT TO
700 SECTION 7-19D-11, NMSA 1978, AND DEDICATED TO LAND AND WATER
701 RIGHTS ACQUISITION; PROVIDING FOR THE DISTRIBUTIONS OF THE
702 REVENUES OF THE ONE-EIGHTH OF ONE PERCENT INCREMENT OF
703 MUNICIPAL INFRASTRUCTURE GROSS RECEIPTS TAX FROM THE STATE
704 TAXATION AND REVENUE DEPARTMENT TO BE REDIRECTED TO THE
705 NEW MEXICO FINANCE AUTHORITY OR ITS ASSIGNS PURSUANT TO THE
706 INTERCEPT AGREEMENT FOR THE PAYMENT OF PRINCIPAL, AND
707 INTEREST DUE ON THE LOAN AGREEMENT; APPROVING THE FORM AND
708 TERMS OF, AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT
709 AND INTERCEPT AGREEMENT; RATIFYING ACTIONS HERETOFORE
710 TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS
711 ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN
712 CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN
713 AGREEMENT AND INTERCEPT AGREEMENT.

714 Rob Burpo & Peter Franklin gave a brief overview on the Loan Agreement with the New
715 Mexico Finance Authority. The ordinance will be presented in public hearing at the meeting of

716 May 12, 2008.

717

718 **NEW BUSINESS: 8d) Discussion, Consideration on Ordinance # 245 GRT Bond**
719 **Ordinance. Presenter: Stephen Jerge**

720

721

722

TOWN OF BERNALILLO, NEW MEXICO
ORDINANCE NO. 245

723

724

725 AUTHORIZING THE ISSUANCE AND SALE OF THE TOWN OF BERNALILLO, NEW
726 MEXICO STATE-SHARED GROSS RECEIPTS TAX REVENUE BONDS, SERIES 2008, IN
727 A PRINCIPAL AMOUNT OF \$_____ FOR THE PURPOSE OF DEFRAYING THE
728 COST OF CAPITAL IMPROVEMENT PROJECTS IN THE TOWN, INCLUDING ROAD
729 IMPROVEMENTS, RENOVATIONS TO THE TOWN ADMINISTRATION BUILDING,
730 IMPROVEMENTS TO PUBLIC SAFETY FACILITIES, LAND ACQUISITION FOR A PARK
731 AND OTHER PUBLIC FACILITIES, AND TO PAY COSTS OF ISSUANCE OF THE SERIES
732 2008 BONDS; ESTABLISHING THE PRINCIPAL AMOUNTS, MATURITIES, PRICES,
733 REDEMPTION FEATURES AND OTHER DETAILS OF THE SERIES 2008 BONDS;
734 PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE
735 SERIES 2008 BONDS FROM THE DISTRIBUTIONS TO THE TOWN OF STATE-SHARED
736 GROSS RECEIPTS TAX REVENUES FROM THE NEW MEXICO TAXATION AND
737 REVENUE DEPARTMENT PURSUANT TO SECTION 7-1-6.4, NMSA 1978 AND THE
738 PLEDGE OF SUCH REVENUE BY THE TOWN; PROVIDING FOR THE FORM,
739 EXECUTION AND OTHER DETAILS CONCERNING THE BONDS; RATIFYING THE USE
740 OF THE PRELIMINARY OFFICIAL STATEMENT AND APPROVING THE FORM OF
741 OFFICIAL STATEMENT FOR THE MARKETING AND SALE OF THE BONDS;
742 AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE
743 AGREEMENT, A CONTINUING DISCLOSURE UNDERTAKING AND OTHER
744 AGREEMENTS AND CERTIFICATES IN CONNECTION WITH THE BONDS;
745 AUTHORIZING AN INSURANCE POLICY IN CONNECTION WITH THE BONDS AND
746 CERTAIN PROVISIONS IN CONNECTION THEREWITH; RATIFYING ACTION
747 PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; AND REPEALING ALL
748 ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

749

750 Peter Franklin and Rob Burpo gave a brief overview on the Gross Receipt Revenue Bond. The
751 ordinance will be presented in public hearing at the meeting of May 12, 2008.

752

753

754 **FINANCIAL SECTION: 9a) Approval of General Fund Vouchers #33321-#33449.**

755 Councilor Montoya moved to approve the General Fund Vouchers #33321-#33449 as presented.

756 The motion was seconded by Councilor Sisneros and carried unanimously.

757

758 **FINANCIAL SECTION: 9b) Approval of Utility Fund Vouchers #63372-#63409.**
759 Councilor Jaramillo moved to approve the Utility Fund Vouchers #63372- #63409 as presented.
760 The motion was seconded by Councilor Torres and carried unanimously.

761
762 **FINANCIAL SECTION: 9c) Approval of MVD Fund Vouchers #66667-#66685**
763 Councilor Jaramillo moved to approve the MVD Fund Vouchers #66667-#66685 as presented.
764 The motion was seconded by Councilor Torres and carried unanimously.

765
766 **FINANCIAL SECTION: 9d) Approval of Housing Low Rent Vouchers #5650LR-**
767 **#5655LR**
768 Councilor Torres moved to approve the Housing Low Rent Vouchers #5650LR-#5655LR as
769 presented. The motion was seconded by Councilor Montoya and carried unanimously.

770
771 **FINANCIAL SECTION: 9e) Approval of Housing Section 8 Vouchers #7852-#7866.**
772 Councilor Sisneros moved to approve the Housing Section 8 Vouchers #7852-#7866 as
773 presented. The motion was seconded by Councilor Montoya and carried unanimously.

774
775 **FINANCIAL SECTION: 9f) Approval of Waste Water Treatment Plant Vouchers**
776 **#40-#42.**
777 Councilor Montoya moved to approve the Waste Water Treatment Plant #40-#42 as presented.
778 The motion was seconded by Councilor Torres and carried unanimously.

779
780 There being no further business the meeting was adjourned at 11:00 P.M.

781
782 Done this 14th day of April 2008.

783
784 ATTEST:

785
786 _____
787 Ida Fierro, Town Clerk
788 (seal)

785
786 _____
787 Patricia A. Chávez, Mayor